

Conor T. Fitzpatrick\*  
(Mich. P78981 / D.C. 90015616)  
FOUNDATION FOR INDIVIDUAL  
RIGHTS AND EXPRESSION  
700 Pennsylvania Ave. SE, Ste. 340  
Washington, D.C. 20003  
(215) 717-3473  
conor.fitzpatrick@thefire.org

*Attorney for Plaintiffs*

*\* Admitted pro hac vice*

*Additional counsel on signature block*

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Rebekah Massie; and Quintus Schulzke,

Case No: 2:24-cv-02276-ROS--DMF

*Plaintiffs,*

v.

**STIPULATED MOTION TO  
MODIFY AND EXTEND  
DEADLINES  
(Second Request)**

City of Surprise, a municipal corporation  
and a governmental entity; Skip Hall, in his  
individual capacity; and Steven Shernicoff,  
in his individual capacity,

*Defendants.*

Plaintiffs Rebekah Massie and Quintus Schulzke and Defendants City of Surprise, a municipal corporation and a government entity, Skip Hall, in his individual capacity, and Steven Shernicoff, in his individual capacity, by and through undersigned counsel, hereby file this stipulated motion for an extension of time for Defendants to answer or respond otherwise to Plaintiffs' Complaint.

1 As required by Arizona law, Plaintiff Massie intends to file a notice of claim with  
 2 the City of Surprise concerning potential state law claims. (A.R.S. § 12-821.01.) After the  
 3 expiration of the 60-day notice period required by Arizona Revised Statute section 12-  
 4 821.01(E), Plaintiffs will then file a first amended complaint to add Arizona state law  
 5 claims covered by the notice of claim. Defendants consent to the filing of a First Amended  
 6 Complaint, but without waiving any defenses that may be brought by answer or motion.

7 To preserve judicial resources and to avoid the need for Defendants to respond to a  
 8 complaint that will soon be superseded, the parties have conferred and request the Court  
 9 set the following deadlines:

- 10 a. Plaintiffs' deadline to serve a notice of claim: **Nov. 13, 2024;**
- 11 b. Plaintiffs' deadline to file a First Amended Complaint: **Jan. 17, 2025;**
- 12 c. Defendants' deadline to respond to First Amended Complaint: **Feb. 7, 2025.**

13 This is the second request for an extension of Defendants' deadline under Federal  
 14 Rules of Civil Procedure Rule 12. On September 26, 2024, the parties stipulated to an  
 15 extension to the current deadline, November 4, 2024, to allow Defendants the opportunity  
 16 to investigate Plaintiffs' claims.

17 This Motion is made for good cause, in good faith, and not for the purpose of undue  
 18 delay. A proposed form of Order is lodged alongside this stipulation.

19  
 20 Dated: November 4, 2024

Respectfully submitted,

21 /s/ Adam B. Steinbaugh  
 22 Adam B. Steinbaugh\*  
 (Penn. 326475 / Cal. 304829)

1 FOUNDATION FOR INDIVIDUAL  
2 RIGHTS AND EXPRESSION  
3 510 Walnut Street, Ste. 900  
4 Philadelphia, PA 19106  
5 (215) 717-3473  
6 adam@thefire.org

7 Conor T. Fitzpatrick\*  
8 (Mich. P78981 / D.C. 90015616)  
9 FOUNDATION FOR INDIVIDUAL  
10 RIGHTS AND EXPRESSION  
11 700 Pennsylvania Ave. SE, Ste. 340  
12 Washington, D.C. 20003  
13 (215) 717-3473  
14 conor.fitzpatrick@thefire.org

15 Daniel J. Quigley  
16 (State Bar No. 011052)  
17 DANIEL J. QUIGLEY, PLC  
18 5425 E. Broadway Blvd., Ste. 352  
19 Tucson, Arizona 85711  
20 (520) 867-4430  
21 quigley@djqlc.com

22 *Counsel for Plaintiffs*

23 \* Admitted *pro hac vice*

JELLISON LAW OFFICES, PLLC

By: s/ James M. Jellison<sup>†</sup>  
James M. Jellison, Esq. (012763)

*Attorney for Defendants City of Surprise, Skip  
Hall and Steven Shernicoff*

<sup>†</sup> Signed by Adam Steinbaugh with permission.

**CERTIFICATE OF SERVICE**

I certify that a true and exact copy of the foregoing document has been served upon the counsel for the parties in interest by operation of the Court's electronic case filing system.

/s/ Adam B. Steinbaugh

Adam B. Steinbaugh